

Senate State & Local Government Committee Amendment #1

Amendment No. 1 to SB0550

**Cohen
Signature of Sponsor**

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Date _____
Time _____
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Comm. Amdt. _____

AMEND Senate Bill No. 550*

House Bill No. 847

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-413, is amended by designating the present subsection (a) as (a)(1) and by adding the following new (a)(2):

(2) It is not a violation of §§ 39-15-404, 39-15-410, or 39-17-1501--39-17-1508, or any other statute prohibiting the use, possession or sales of alcohol, beer, lottery tickets, tobacco products, smokeless tobacco or smoking material or paraphernalia to a minor or a person under twenty-one (21) years of age, for a merchant in the business of selling alcohol, beer, lottery tickets, tobacco products, smokeless tobacco or smoking material or paraphernalia, to use or send a minor, or in the case of alcohol or beer, a person under twenty-one (21) years of age, to purchase any such product for the purpose of aiding in the enforcement of laws and policies prohibiting sales by the merchant at the merchant's place of business and preventing sales of such products to or use by individuals under age from occurring.

FURTHER AMEND by deleting subsection (b) and adding the following new subsections:

(b) Prior to using a minor to perform illegal or delinquent acts for the purposes of aiding in the enforcement of the laws of this state as permitted by this section, the law enforcement officer or merchant shall obtain the written approval of the minor's parent or legal guardian and the juvenile court. Provided, however, the consent of the minor's parent or legal guardian and the juvenile court shall not be required if the person used to make any such purchase is eighteen (18) years of age or older

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(c) In order to use a minor, or in the case of alcohol or beer, a person under twenty-one (21) years of age, for any of the purposes permitted by this section, the requirements of this subsection shall apply.

(1) Any such minor or person under twenty-one (21) years of age shall not:

(A) Disguise his or her appearance so as to misrepresent his or her actual age:

(B) If male, have facial hair, and, if male or female, wear cosmetics, jewelry, or clothing that is not consistent with his or her actual age; and

(C) Make statements designed to trick, mislead, encourage or confuse the employee.

(2) Any such minor or person under twenty-one (21) years of age shall:

(A) Be photographed, both before and after the law enforcement or merchant-initiated use of the person, for the purpose of creating a record of his or her appearance during the time of the permitted use of such person;

(B) During the law enforcement or merchant-initiated use of such person, speak only when necessary to attempt to complete the illegal or delinquent act;

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(C) Except only for those questions relating to his or her employment or purpose for engaging in the conduct, respond truthfully to all questions posed by the location employee, including, but not limited to, inquiries concerning his or her age; and

(D) If identification is demanded by the location employee, produce only a valid state-issued card, which indicates his or her actual date of birth.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.